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Patent

Attorney Docket No. 047542/0197

DHS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HUBBARD et al.

Serial No.: 09/626,326

Filed: July 26, 2000

For: TISSUE AUGMENTATION
MATERIAL AND METHOD

Assistant Commissioner for Patents
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

September 8, 2000

JORIE JOHNSON

Name

Jorie Johnson

Signature

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

Dear Sir:

Pursuant to 37 C.F.R. § 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed prior to receipt of the first Office Action. Copies of all but the following cited references are enclosed.

1. Lehtenen et al., "Soft Tissue Response to Hydroxyapatite Particles of Different Shapes in Rabbit Tibia," J. Oral Maxillofac. Surg., 1990, pp. 48:1075-1078
2. "Remington's Pharmaceutical Sciences," Gennaro, Ed., 18th Edition, 1990, pp. 1304-1305 and 1316
3. Van Vlack et al., "Elements of Materials Science," Addison Wesley (1964) pp. 379-380
4. Dental Implants, in Bioceramics of Calcium Phosphate, Klaas deGroot, (ed), CRC Press, pp. 115-129 (1983)

5. Hench, "Ceramics in Substitutive and Reconstructive Surgery," Elsevier Science Publishers B.V. (1991) pp. 259-274
6. Caro et al., "The Mechanics of the Circulation," Oxford University Press (1978) p. 156

These references were previously submitted in U.S. Patent Application No. 09/288,999 of which this application is a continuation-in-part. The Applicants respectfully request that copies of these references be taken from 09/288,999.

It is believed that these references either taken alone or in combination do not disclose or suggest the invention claimed by the Applicants. However, it is the Applicants' desire to have these references available in the record for both the Examiner and the public to see. The Applicants specifically reserve all rights of privilege and confidence with respect to this matter and submission of this document is not to be construed as a waiver of those rights. Moreover, submission of this document should not be considered an admission that the references cited herein are proper prior art to the aforementioned application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

No fee is thought to be due for the submission of this statement. However, if any fees are due, please deduct them from Deposit Account No. 06-1450 of Foley & Lardner.

Respectfully submitted,



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September 8, 2000